

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 1-17 are canceled. New claims 18-24 are in the application.

Claims 1-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lam, U.S. Patent No. 5,564,037 in view of Kamiyama, U.S. Patent No. 5,893,139. As previously mentioned, claims 1-17 have been canceled. Applicant therefore requests that the rejection to claims 1-17 be withdrawn as moot. Cancellation of claims 1-17 should not be construed as an agreement by applicant with the Examiner's arguments and/or assertions. Applicant reserves the right to continue prosecution of any of these canceled claims in a continuation application.

New independent claim 18 recites in part as follows:

“...a migration processing means, operated in said processor, for transferring the file stored in said first storage medium to said second storage medium in response to the migration priority determined in said migration priority determining means, making the region in a vacant state, in which the transferred file was stored to enable the region for storing other file, and saving an access information of the transferred file in said first storage medium;

a reloading means, operated in said processor, for retransforming the file stored in said second storage medium, which is determined

a status of vacant regions in said first storage medium and the migration priority, to the first storage medium in accordance the access information saved in the first storage medium, and making the region in said second storage medium in a vacant state, in which the retransferred file was stored; and

a direct device access means, operated in the processor, for directly transferring the corresponding file stored in said second storage medium to a predetermined region in said high-speed operation memory without retransferring that corresponding file to said first storage medium when an access request is issued to the corresponding file which was transferred from the first storage medium to the second storage medium by said migration processing means.”

It is respectfully submitted that the applied combination of references does not appear to disclose the above recited features. Accordingly, new independent claim 18 is believed to be distinguishable from the applied combination of references.

For reasons similar or somewhat similar to those described above with regard to independent claim 18, new independent claim 24 is believed to be distinguishable from the applied combination of references.

Claims 19-23 depend from claim 18, and, due to such dependency, are believed to be distinguishable from the applied combination of references for at least the reasons previously described.

In the event, that the Examiner disagrees with any of the foregoing opinions concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

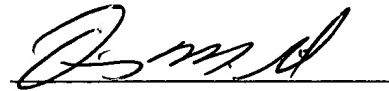
In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to
Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By:



Dennis M. Smid
Reg. No. 34,930
(212) 588-0800